# In the Supreme Court of the United States

OCTOBER TERM, 1973

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No. 73-1463

RAPHAEL KONIGSBERG, ET AL., PETITIONERS

*v.*

RICHARD M. NIXON

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

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**MEMORANDUM FOR THE RESPONDENT IN OPPOSITION**

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Petitioners brought this action in the district court seeking to remove the respondent from his office as President of the United States. The district court dismissed the action *sua sponte* for lack of jurisdiction (Pet. App. 2), and the court of appeals affirmed (Pet. App. 1).

The courts have no jurisdiction to remove an incumbent President from office. Such power is placed by the Constitution of the United States solely in the Congress. U.S. Const., Art I, §§ 2,3, Art. II, § 4.

The petition for a writ of certiorari should be denied.

Respectfully submitted.

ROBERT H. BORK,
*Solicitor General.*

MAY 1974.



DOJ-1974-05